

**HOWE TOWNSHIP
PERRY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 02-2024

AN ORDINANCE OF HOWE TOWNSHIP, PERRY COUNTY, PENNSYLVANIA, REQUIRING PERMITS FOR ALL ON-LOT SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON LOTS WITHIN HOWE TOWNSHIP, REGARDLESS OF SIZE, REPEALING THOSE PROVISIONS OF ORDINANCES THAT MAY BE INCONSISTENT HERewith, AND PROVIDING FOR PENALTIES AND ENFORCEMENT PROCEDURES RELATING THERETO.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of the Commonwealth of Pennsylvania approved, a statute entitled, "Pennsylvania Sewage Facilities Act," Act of January 24, 1966, P.L. 1535, No. 537 (the "Act 537"), which is codified at 35 P.S. §§ 750.1-750.20 et seq; and

WHEREAS, Act 537 has subsequently been amended from time to time; and

WHEREAS, Section 7(a)(1) of Act 537, as amended by the Act of December 14, 1994, P.L. 1250, No. 149, provides, among other things, that "[n]o person shall install, construct, or award a contract for construction, or alter, repair or connect to an individual sewage system or community sewage system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this act and the standards adopted pursuant to this act;" and

WHEREAS, Section 7(a)(1) of Act 537 as amended by the Act of December 14, 1994, P.L. 1250, No. 149, also provides, among other things, that "[e]xcept where a local agency or municipality requires a permit by ordinance, no permit or plan revision shall be required for the installation of an individual on-lot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of his immediate family on a contiguous tract of land ten acres or more if the owner of the property was the owner of record as of January 10, 1987;" and

WHEREAS, the foregoing exception to the permitting requirements in Section 7(a)(1) of Act 537 is commonly referred to as the "ten-acre exemption;" and

WHEREAS, Howe Township is a municipality as defined in Section 2 of Act 537; and

WHEREAS, pursuant to the authority set forth in Section 7(a)(1) of Act 537, the Board of Supervisors of Howe Township desires to adopt this Ordinance to require permits of the

installation of on-lot sewage systems that would otherwise be exempt by the “ten-acre exemption,” and;

WHEREAS, the Board of Supervisors of Howe Township believes that such a requirement is consistent with protecting the health and well being of the residents of Howe Township;

WHEREAS, the Board of Supervisors of Howe Township previously adopted Ordinance 2015-02, entitled “On-Lot Sewage Disposal Systems Management,” regulating on-lot sewage systems within Howe Township; and

WHEREAS, the Board of Supervisors of Howe Township wishes to adopt this Ordinance to amend and modify the Township On-Lot Sewage Disposal Systems Management Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, and by and through the authority of the same, as follows:

Section 1. Short Title, Statutory Authority and Purpose.

This Ordinance shall be known as the “Howe Township On-Lot Sewage Disposal System Permit Ordinance of 2024.”

This Ordinance is adopted pursuant to Section 7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. § 750.7(a)(1).

The purpose of this Ordinance is to provide for the permitting, in accordance with the applicable requirements of 25 Pa. Code Chapters 72 and 73, of all on-lot sewage disposal systems within Howe Township that would otherwise not require a permit pursuant to the ten-acre exemption set forth in Act 537.

Section 2. Permit Requirements .

From and after the Effective Date of this Ordinance, all persons proposing to install an on-lot sewage disposal system on any lot within Howe Township, including, but not limited to, those persons proposing to install such a system on a lot of ten (10) acres or more which would otherwise be eligible for the ten acre exemption pursuant to Section 7(a)(1) of Act 537, shall apply to Howe Township for a permit authorizing the installation of such a system.

No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to Howe Township.

Section 3. Enforcement.

Any person violating any provision of this Ordinance shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of Act 537, 35 P.S. §§ 750.13 and 750.13a and as set forth in the Township On-Lot Sewage Disposal Systems Management Ordinance.

In addition to the penalties for non-compliance set forth in subsection a, above, it is further provided that all of the civil and equitable remedies set forth in Sections 12, 14 and 15 of Act 537, 35 P.S. §§ 750.12, 750.14 and 750.15, shall be applicable to violations of this Ordinance.

Section 4. Repealer.

All ordinances or parts of ordinances previously adopted by Howe Township that conflict with or that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 5. Severability.

If any section or clause of this ordinance is determined to be invalid by a final court action in a court of competent jurisdiction or by reason of a preemptive legislative enactment, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall remain in full force and effect.

Section 6. Effective Date.

This Ordinance shall be effective immediately upon enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, at a duly assembled meeting, this 15th day of February, 2024.

ATTEST

Nancy Cangioti
Secretary

HOWE TOWNSHIP

By: Dale W. Beaver (SEAL)
Chairman

By: Charles W. Bunnell
Vice-Chairman

By: John G. Jeter
Member